

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**MARY M. IOCOVOZZI,**

**Plaintiff,**

**vs.**

**6:10-CV-687  
(NAM/ATB)**

**VILLAGE OF HERKIMER; MARK M.  
AINSWORTH, Mayor; VILLAGE BOARD  
OF TRUSTEES; and DAVID KUEHNLE,  
Codes Enforcement Officer Village of  
Herkimer,**

**Defendants.**  
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**ORDER TO SHOW CAUSE**

The Court has considered the affidavit of Mary M. Iocovozzi sworn to on June 10, 2010, and the exhibits annexed thereto; the affidavit of Carol Malz, Esq., sworn to June 12, 2010; and the memorandum of law in support of plaintiff's application. Based upon the foregoing,

**IT IS HEREBY ORDERED** that the defendants, VILLAGE OF HERKIMER, MARK M. AINSWORTH, Mayor, VILLAGE BOARD OF TRUSTEES, and DAVID KUEHNLE, Codes Enforcement Officer Village of Herkimer, show cause, if there be any, to this Court by submission on papers as ordered herein, before the Honorable Norman A. Mordue, Chief U.S. District Court Judge Court at the United States Courthouse, 100 South Clinton Street, Syracuse, New York, why a preliminary injunction should not be entered enjoining defendants during the pendency of this action from enforcing the Village of Herkimer Local Law No. 1, Article 1 of 2009, Section 7 against plaintiff, and any further relief as the Court may deem proper; and it is further

**ORDERED**, that defendants serve and file any opposition to the motion for a preliminary injunction on or before June 28, 2010; and it is further

**ORDERED**, that plaintiff serve and file any reply papers on or before July 1, 2010; and it is further

**ORDERED**, that no personal appearance is required, papers will be taken on submission; it is further

**ORDERED** that plaintiff's request for a temporary restraining order pending a hearing on this motion is **DENIED**; and it is further

**ORDERED** that service of a copy of this Order and a copy of the papers upon which it is granted by service upon the defendants, or their attorney who agrees to accept service on their or its behalf, on or before June 18, 2010, by personal delivery or overnight courier shall be deemed sufficient service.

**IT IS SO ORDERED.**

Date: June 16, 2010  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge